

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBBIE D. WHITE,

Plaintiff,

v.

CITY AND COUNTY OF WEST
SACRAMENTO, a local public entity;
et al.,

Defendants.

No. 2:20-cv-02383-MCE-AC

ORDER

Presently before the Court is a Motion to Withdraw as Counsel of Record (ECF No. 21) filed by Jason Sias and Sias Law, Inc. (collectively, "Counsel"), who represents Plaintiff Robbie D. White ("Plaintiff") in this matter, by which Counsel seeks to withdraw leaving Plaintiff in propria persona.¹ This Motion is governed by the requirements of Eastern District of California Local Rule 182(d), which provides, among other things, that an attorney may not withdraw, leaving the client in propria persona, absent a noticed motion, appropriate affidavits, notice to the client and all other parties who have appeared, and compliance with the Rules of Professional Conduct of the State Bar of California. California Rule of Professional Conduct 3-700(C)(6) permits a member of the


¹ Having determined that oral argument would not be of material assistance, the Court ordered this Motion submitted on the briefs in accordance with Local Rule 230(g).

1 State Bar to seek to withdraw from representation when “[t]he member believes in good
2 faith . . . that the tribunal will find the existence of . . . good cause for withdrawal.”
3 However, “[a] member shall not withdraw from employment until the member has taken
4 reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client,
5 including giving due notice to the client, allowing time for employment of other
6 counsel, . . . and complying with applicable laws and rules.” Cal. R. of Professional
7 Conduct 3-700(A)(2). Whether to grant leave to withdraw is subject to the sound
8 discretion of the Court and “may be granted subject to such appropriate conditions as
9 the Court deems fit.” E.D. Cal. Local R. 182(d); Canandaigua Wine Co., Inc. v. Edwin
10 Moldauer, No. 1:02-cv-06599 OWW DLB, 2009 WL 89141, at *1 (E.D. Cal. Jan. 14,
11 2009).

12 Pursuant to the instant motion, Counsel has provided Plaintiff with a formal
13 termination of representation letter along with an electronic case file that contained all
14 files related to Plaintiff’s case. Counsel has also been in contact with Plaintiff regarding
15 Counsel’s intent to file the instant motion. It appears from the papers, however, that
16 Counsel failed to provide the Court with Plaintiff’s last known address(es) in the affidavit
17 Counsel submitted pursuant to Local Rule 182(d). Accordingly, the Court defers ruling
18 on the Motion to give counsel the opportunity to supplement the record. Not later than
19 five (5) days following the date this Order is electronically filed, Counsel is directed to file
20 an affidavit complying with the mandates set forth in the local rules.

21 IT IS SO ORDERED.

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23 Dated: September 3, 2021

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25 MORRISON C. ENGLAND, JR.
26 SENIOR UNITED STATES DISTRICT JUDGE
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